It is well settled that in a regular life policy, divorce does not affect the right of the wife to the insurance. *Grego* v. *Grego*, 78 Miss. 443, 28 So. 817; *Schmidt* v. *Hauer*, 139 Iowa 531, 111 N. W. 966; *Blum* v. *New York Life Ins. Co.*, 197 Mo. 513, 95 S. W. 317. The rule as to mutual benefit companies is the same. The distinction between mutual companies and associations must be noted. *Overhiser* v. *Mutual Life Ins. Co.*, 63 Ohio St. 77, 50 L. R. A. 552; *Wallace* v. *Mutual Benefit Life Ins. Co.*, 97 Minn. 27, 106 N. W. 84, 3 L. R. A. (N. S.) 478. Although a contrary decision was made in *Hatch* v. *Hatch*, 35 Tex. App. 373, 80 S. W. 411.

INSURANCE—PUBLIC POLICY—SUICIDE.—A policy of life insurance had no provision as to suicide, but did provide that—"This contract shall be incontestible after one year from date of its issue, provided the required premiums are duly paid." The insured died by his own hand more than one year after the date of the policy. *Held*, the insurance company liable on the policy. *Northwestern Ins. Co.* v. *Johnson*, 41 Sup. Ct. 47.

The Supreme Court based its opinion on the ground that such incontestable clause is not contrary to public policy. But the public policy with regard to such contracts is a matter for the States to determine. *Whitfield* v. *Aetna Life Insurance Co.*, 205 U. S. 489, 495.

A considerable number of the States have reached the conclusion that such contracts are not against public policy. *Goodwin* v. *Provident, etc., Ass'n.*, 97 Iowa 226, 66 N. W. 157, 32 L. R. A. 473; *Mutual Reserve Fund Ass'n.* v. *Payne* (Tex. Civ. App.), 32 S. W. 1063; *Simpson* v. *Life Ins. Co. of Virginia*, 115 N. C. 393, 20 S. E. 517; *Patterson* v. *Natural, etc., Ins. Co.*, 100 Wis. 118, 75 N. W. 980, 69 Am. St. Rep. 899, 42 L. R. A. 253; *Sun Life Ins. Co.* v. *Taylor*, 108 Ky. 408, 56 S. W. 668, 94 Am. St. Rep. 383; *Royal Circle* v. *Achterrath*, 204 Ill. 549, 68 N. E. 492, 98 Am. St. Rep. 224, 63 L. R. A. 452; *Supreme Court of Honor* v. *Updegraff*, 68 Kan. 474, 75 Pac. 477, 1 Ann. Cas. 309 and note; *Mareck* v. *Mutual Reserve Fund Ass'n.*, 62 Minn. 39, 64 N. W. 68, 54 Am. St. Rep. 613. *Contra, Ritter* v. *Mutual Life Ins. Co.*, 169 U. S. 139, 154; *Life Ins. Co.* v. *Terry*, 15 Wall. 580. In the last case the policy expressly excepted suicide committed while sane. And where the conditions provided that the policy should be void if the insured committed suicide, and a statute provided for incontestability of the policy after a specified time, it was held that the statute applied only to matters stated in the application and the insurer was allowed to set up the suicide. *Starke* v. *Union Cent. L. Ins. Co.*, 134 Pa. St. 45, 19 Atl. 703, 19 Am. St. Rep. 674, 7 L. R. A. 576.

The decisions in the States are based rather upon the entire contract of insurance as a contract than upon the public policy involved in any part thereof. *Goodwin* v. *Provident, etc., Ass'n., supra; Simpson* v. *Life Ins. Co. of Virginia, supra.*

The incontestable clause applies in case of death by suicide, although the policy contains another clause, providing that death by suicide is not a risk assumed by the insurer. *Royal Circle* v. *Achterrath, supra; Supreme Court of Honor* v. *Updegraff, supra; Simpson* v. *Life Ins. Co. of Virginia, supra.*

And regardless of the incontestable clause, where the defense is that the insurance was taken with preconceived intent to commit suicide, such defense will be allowed. *Parker* v. *Des Moines Life Ass'n.*, 108 Iowa 117, 78 N. W. 826; *Smith* v. *Natural Ben. Soc.*, 51 Hun. 575, 4 N. Y. Supp. 521.

For Virginia law on the subject, see Va. Code, 1919, § 4228, repealed and superseded by Acts 1918, p. 539.

INTOXICATING LIQUORS—EFFECT OF EIGHTEENTH AMENDMENT UPON EXISTING STATE LAWS.—The defendant was arrested for alleged violation of State prohibition laws. The act, which occurred on January 21, 1920, constituted a violation of the State prohibition law, but was not an offense under the Eighteenth Amendment to the United States Constitution and the act of Congress carrying the Amendment into effect. The defendant sought release by writ of habeas corpus on the ground that the Eighteenth Amendment and legislation by Congress giving it effect (the "Volstead Act") superseded and abrogated all State laws on the subject covered by the Eighteenth Amendment. *Held*, the writ of habeas corpus was denied. *Jones* v. *Hicks* (Ga.), 104 S. E. 771.

The recent origin of the question presented in the instant case makes the soundness of the decision rest upon principle and analogy rather than upon the authority of decided cases. Undoubtedly the general rule is that where a State and a federal statute operate upon the same subject matter, if the federal statute is one which Congress had power to enact, the State statute must yield to the federal statute. *Gulf, etc., R. Co.* v. *Hefley*, 158 U. S. 98; *Columbia Wire Co.* v. *Freeman Wire Co.*, 71 Fed. 302; see also *State* v. *Hanson*, 16 N. D. 347, 113 N. W. 371.

The Eighteenth Amendment, of its own force, invalidates any State law which sanctions or authorizes what it prohibits. *State of Rhode Island* v. *Palmer*, 40 Sup. Ct. 486. Thus, any State licensing law, in so far as it permits the sale of liquor for beverage purposes, is rendered inoperative. See *Commonwealth* v. *Nickerson* (Mass.), 128 N. E. 273. But the federal statute (the "Volstead Act") takes precedence over State liquor tax laws only where the two conflict. Where no conflict exists, the State law continues in full force. *People* v. *Foley*, 184 N. Y. Supp. 270; *Ex parte Guerra* (Vt.), 110 Atl. 224.

In the case of income tax laws, the Sixteenth Amendment to the United States Constitution and legislation pursuant thereto do not seem to have deprived the several States of the power to levy and collect taxes upon incomes. *Shaffer* v. *Carter*, 252 U. S. 37; *Travis* v. *Yale & Towne Mfg. Co.*, 252 U. S. 60.

The War Time Prohibition Act was not repealed by implication upon adoption of the Eighteenth Amendment, but continued in full force. *Hamilton* v. *Kentucky, etc., Co.*, 251 U. S. 146, 163; *Hannah and Hogg* v. *Cline*, 263 Fed. 599; *United States* v. *Minery*, 259 Fed. 707.

A State constitutional amendment, prohibiting the sale, manufacture, or keeping of liquor, does not repeal existing State laws for the suppression of the sale of liquor. *State* v. *Dorr*, 82 Mo. 212, 19 Atl. 171. Nor does such an amendment, prohibiting the sale of liquor except for certain specified pur-